

MONTANA LEGISLATIVE HISTORY

Chapter 78 2015

Bill H _____ S 64 Original bill & history ☒ C

H. Committee on State Administration S. Committee on State Administration

Hearing Date(s) 2-10 _____ C

Hearing Date(s) 1-23 _____ C

2-13 _____ C

1-28 _____ C

_____ C

_____ C

_____ C

_____ C

Date Out 2-13 _____ C

DATE Out 1-28

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

SENATE BILLS

43

SB 64 INTRODUCED BY KEANE

LC0376 DRAFTER: KURTZ

REVISE LAWS GOVERNING MONTANA HERITAGE COMMISSION

BY REQUEST OF ENVIRONMENTAL QUALITY COUNCIL

10/26	FISCAL NOTE PROBABLE		
12/10	INTRODUCED		
12/16	FISCAL NOTE REQUESTED		
12/18	REFERRED TO STATE ADMINISTRATION		
1/05	FISCAL NOTE RECEIVED		
1/05	FISCAL NOTE SIGNED		
1/06	FISCAL NOTE PRINTED		
1/23	HEARING		
1/28	COMMITTEE EXEC ACTION—BILL PASSED	7	0
1/29	COMMITTEE REPORT—BILL PASSED		
1/31	2ND READING PASSED	48	0
2/02	3RD READING PASSED	47	0

TRANSMITTED TO HOUSE			
2/04	REFERRED TO STATE ADMINISTRATION		
2/10	HEARING		
2/13	COMMITTEE EXEC ACTION—BILL CONCURRED	20	0
2/13	COMMITTEE REPORT—BILL CONCURRED		
2/17	2ND READING CONCURRED	93	6
2/18	3RD READING CONCURRED	91	8

RETURNED TO SENATE
 2/20 SENT TO ENROLLING
 2/22 RETURNED FROM ENROLLING
 2/23 SIGNED BY PRESIDENT
 2/24 SIGNED BY SPEAKER
 2/24 TRANSMITTED TO GOVERNOR
 2/27 SIGNED BY GOVERNOR
 2/27 CHAPTER NUMBER ASSIGNED
 CHAPTER NUMBER 78
 EFFECTIVE DATE: 10/01/2015 - ALL SECTIONS

SB 65 INTRODUCED BY DRISCOLL

LC0500 DRAFTER: EVERTS

CODE COMMISSIONER BILL

BY REQUEST OF CODE COMMISSIONER

12/10	INTRODUCED		
12/18	REFERRED TO STATE ADMINISTRATION		
1/12	HEARING		
1/12	COMMITTEE EXEC ACTION—BILL PASSED	7	0
1/13	COMMITTEE REPORT—BILL PASSED	7	0
1/15	2ND READING PASSED	43	5
1/16	3RD READING PASSED	47	3

TRANSMITTED TO HOUSE			
1/20	REFERRED TO STATE ADMINISTRATION		
2/06	HEARING		
2/06	COMMITTEE EXEC ACTION—BILL CONCURRED	20	0
2/06	COMMITTEE REPORT—BILL CONCURRED		
2/12	2ND READING CONCURRED	100	0
2/13	3RD READING CONCURRED	99	0

RETURNED TO SENATE
 2/16 SENT TO ENROLLING
 2/17 RETURNED FROM ENROLLING
 2/19 SIGNED BY PRESIDENT
 2/19 SIGNED BY SPEAKER
 2/20 TRANSMITTED TO GOVERNOR
 2/25 SIGNED BY GOVERNOR
 2/25 CHAPTER NUMBER ASSIGNED
 CHAPTER NUMBER 55
 EFFECTIVE DATE: 10/01/2015 - ALL SECTIONS

SB 66 INTRODUCED BY SANDS

LC0245 DRAFTER: WEISS

GENERALLY REVISE LAWS REGARDING ALTERNATIVE NICOTINE OR VAPOR PRODUCTS

BY REQUEST OF DEPARTMENT OF JUSTICE

SENATE BILL NO. 64

INTRODUCED BY J. KEANE

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; REMOVING CERTAIN REFERENCES TO THE COMMISSION ACQUIRING AND PURCHASING PROPERTY; REMOVING THE REQUIREMENT THAT PROPERTIES BECOME SELF-SUPPORTING; REVISING HOW COMMISSION MEMBERS MAY BE APPOINTED; REMOVING THE REQUIREMENT THAT CERTAIN FUNDS BE DEPOSITED IN THE CULTURAL AND AESTHETIC TRUST; REMOVING LANGUAGE EXPRESSING THE INTENT OF A PREVIOUS LEGISLATURE THAT NO GENERAL FUND MONEY BE USED TO FUND OPERATIONS; REMOVING THE REQUIREMENT THAT CERTAIN SALE PROCEEDS BE PLACED IN A TRUST FUND; AND AMENDING SECTIONS 22-3-1001, 22-3-1002, 22-3-1003, AND 22-3-1004, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 22-3-1001, MCA, is amended to read:

"22-3-1001. Purpose. The purpose of this part is to ~~acquire and~~ manage, on behalf of the state, properties that possess outstanding historical value, display exceptional qualities worth preserving, and are genuinely representative of the state's culture and history, ~~and demonstrate the ability to become economically self-supporting~~. The Montana heritage preservation and development commission shall achieve this purpose by ~~purchasing fee title interests in real and personal property and by managing those~~ the properties for which it is responsible in a manner that protects the properties and encourages economic ~~independence~~ stability."

Section 2. Section 22-3-1002, MCA, is amended to read:

"22-3-1002. Montana heritage preservation and development commission. (1) There is a Montana heritage preservation and development commission. The commission is attached to the department of commerce for administrative purposes only, pursuant to 2-15-121. The commission and the department shall negotiate a specific indirect administrative rate annually, with biennial review by a designated, appropriate legislative interim committee.

(2) (a) The commission consists of 14 members. The members shall broadly represent the state. Nine members must be appointed by the governor, one member must be appointed by the president of the senate, and one member must be appointed by the speaker of the house.

(b) If the president of the senate and the speaker of the house do not appoint the members for which they are responsible within 6 months of a vacancy having occurred in those positions, the members must be appointed by the governor.

(c) The director of the Montana historical society, the director of the department of fish, wildlife, and parks, and the director of the department of commerce shall serve as members. Of the members appointed by the governor under subsection (2)(a):

(a)(i) one member must have extensive experience in managing facilities that cater to the needs of tourists;

(b)(ii) one member must have experience in community planning;

(c)(iii) one member must have experience in historic preservation;

(d)(iv) two members must have broad experience in business;

(e)(v) one member must be a member of the tourism advisory council established in 2-15-1816;

(f)(vi) one member must be a Montana historian; and

(g)(vii) two members must be from the public at large.

(3) Except for the initial appointments, members appointed by the governor under subsection (2)(a) shall serve 3-year terms. ~~Legislative appointees~~ Members appointed by the president of the senate and the speaker of the house or by the governor under subsection (2)(b) shall serve 2-year terms. If a vacancy occurs, the appointing authority shall make an appointment for the unexpired portion of the term.

(4) (a) The commission may employ:

(i) an executive director who has general responsibility for the selection and management of commission staff, developing recommendations for the purchase of property, and overseeing the management of acquired property;

(ii) a curator who is responsible for the display and preservation of the acquired property; and

(iii) other staff that the commission and the executive director determine are necessary to manage and operate commission properties.

(b) The commission shall prescribe the duties and annual salary of the executive director, the curator, and other commission staff."

1
2 **Section 3.** Section 22-3-1003, MCA, is amended to read:

3 **"22-3-1003. Powers of commission -- contracts -- rules.** (1) (a) The Montana heritage preservation
4 and development commission may contract with private organizations to assist in carrying out the purpose of
5 22-3-1001. The term of a contract may not exceed 20 years.

6 (b) The provisions of Title 18 may not be construed as prohibiting contracts under this section from being
7 let by direct negotiation. The contracts may be entered into directly with a vendor and are not subject to state
8 procurement laws.

9 (c) Architectural and engineering review and approval do not apply to the historic renovation projects
10 or projects at historic sites unless stated in specific state appropriations for construction permitted under the
11 commission's jurisdiction.

12 (d) The contracts must provide for the payment of prevailing wages.

13 (e) A contract for supplies or services, or both, may be negotiated in accordance with commission rules.

14 (f) Management activities must be undertaken to encourage the ~~profitable~~ operation of properties in a
15 manner that results in economic stability.

16 (g) Contracts may include the lease of property managed by the commission. Provisions for the renewal
17 of a contract must be contained in the contract.

18 (2) (a) Except as provided in subsection (2)(b), the commission may not contract for the construction of
19 a building, as defined in 18-2-101, in excess of \$300,000 without the consent of the legislature. Building
20 construction must be in conformity with applicable guidelines developed by the national park service of the U.S.
21 department of the interior, the Montana historical society, and the Montana department of fish, wildlife, and parks.
22 Funding for these projects must pass through directly to the commission.

23 (b) The commission may contract for the preservation, stabilization, or maintenance of existing structures
24 or buildings for an amount that exceeds \$300,000 without legislative consent if the commission determines that
25 waiting for legislative consent would cause unnecessary damage to the structures or buildings or would result
26 in a significant increase in cost to conduct those activities in the future.

27 (3) (a) Subject to subsection (3)(b), the commission, as part of a contract, shall require that a portion of
28 any profit be reinvested in the property and that a portion be used to pay the administrative costs of the property
29 and the commission.

30 (b) ~~(i) Until the balance in the cultural and aesthetic trust reaches \$7,750,000, the commission shall~~

1 deposit the portion of profits not used for administrative costs and restoration of the properties in the cultural and
2 aesthetic trust.

3 ~~—— (ii) Once the balance in the cultural and aesthetic trust reaches \$7,750,000, the~~ The commission shall
4 deposit the portion of profits not used for administrative costs and restoration of the properties in the general fund.

5 ~~(c) It is the intent of the 58th legislature that no general fund money be provided for the operations and~~
6 ~~maintenance of Virginia City and Nevada City beyond what has been appropriated by the 55th legislature.~~

7 (4) The commission may solicit funds from other sources, including the federal government, for the
8 purchase, management, and operation of properties.

9 (5) (a) The commission may use volunteers to further the purposes of this part.

10 (b) The commission and volunteers stand in the relationship of employer and employee for purposes
11 of and as those terms are defined in Title 39, chapter 71. The commission shall provide each volunteer with
12 workers' compensation coverage, as provided in Title 39, chapter 71, during the course of the volunteer's
13 assistance.

14 (6) Volunteers are not salaried employees and are not entitled to wages and benefits. The commission
15 may, in its discretion, reimburse volunteers for their otherwise uncompensated out-of-pocket expenses, including
16 but not limited to their expenditures for transportation, food, and lodging.

17 (7) The commission shall establish a subcommittee composed of an equal number of members of the
18 Montana historical society board of trustees and commission members to review and recommend the sale of
19 personal property from the former Bovey assets acquired by the 55th legislature. A recommendation to sell may
20 be presented to the commission only if the recommendation is supported by a majority of the members of the
21 subcommittee.

22 (8) The commission shall adopt rules establishing a policy for making acquisitions and sales of real and
23 personal property. With respect to each acquisition or sale, the policy must give consideration to:

24 (a) whether the property represents the state's culture and history;

25 (b) whether the property can become ~~self-supporting~~ economically stable;

26 (c) whether the property can contribute to the economic and social enrichment of the state;

27 (d) whether the property lends itself to programs to interpret Montana history;

28 (e) whether the acquisition or sale will create significant social and economic impacts to affected local
29 governments and the state;

30 (f) whether the sale is supported by the director of the Montana historical society;

(g) whether the commission should include any preservation covenants in a proposed sale agreement for real property;

(h) whether the commission should incorporate any design review ordinances established by Virginia City into a proposed sale agreement for real property; and

(i) other matters that the commission considers necessary or appropriate.

(9) Except as provided in subsection (11), the proceeds of any sale under subsection (8) must be placed in the account established in 22-3-1004.

(10) Public notice and the opportunity for a hearing must be given in the geographical area of a proposed acquisition or sale of real property before a final decision to acquire or sell the property is made. The commission shall approve proposals for acquisition or sale of real property and recommend the approved proposal to the board of land commissioners.

(11) The commission, working with the board of investments, may establish trust funds to benefit historic properties. Interest from any trust fund established under this subsection must be used to preserve and manage assets owned by the commission. ~~Funds from the sale of personal property from the Bovey assets must be placed in a trust fund, and interest from the trust fund must be used to manage and protect the remaining personal property.~~

(12) Prior to the convening of each regular session, the commission shall report to the governor and the legislature, as provided in 5-11-210, concerning financial activities during the prior biennium, including the acquisition or sale of any assets."

Section 4. Section 22-3-1004, MCA, is amended to read:

"22-3-1004. Montana heritage preservation and development account. (1) (a) There is a Montana heritage preservation and development account in the state special revenue fund and in the federal special revenue fund.

(b) The Montana heritage preservation and development commission shall deposit any federal money that the commission obtains into the appropriate account provided for in this section.

(2) Money deposited in the accounts must be used for:

~~(a) the purchase of properties in Virginia City and Nevada City;~~

~~(b)~~ (a) restoration, maintenance, and operation of historic properties in Virginia City and Nevada City; and

~~(c)~~ (b) purchasing, restoring, and maintaining historically significant properties in Montana that are in need

1 of preservation.

2 (3) The accounts are statutorily appropriated, as provided in 17-7-502, to the commission to be used as
3 provided in this section.

4 (4) Unless otherwise prohibited by law or agreement, all interest earned on money in the accounts must
5 be deposited in the state special revenue fund to the credit of the commission."

6 - END -



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2017 Biennium

Bill # SB0064

Title: Revise laws governing Montana heritage commission

Primary Sponsor: Keane, Jim

Status: As Introduced

- | | | |
|---|--|--|
| ☐ Significant Local Gov Impact | ☐ Needs to be included in HB 2 | ☐ Technical Concerns |
| ☐ Included in the Executive Budget | ☐ Significant Long-Term Impacts | ☐ Dedicated Revenue Form Attached |

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: This bill generally revises laws pertaining to the Montana Heritage Commission and is the result of the SJ 4 interim study conducted by the Environmental Quality Council. There is no fiscal impact to the Department of Commerce.

FISCAL ANALYSIS

Assumptions:

- This bill allows the commission to more effectively manage the properties entrusted to it in Virginia City, Nevada City, and Reeder's Alley. There is no fiscal impact to the Department of Commerce or the Montana Heritage Commission.

[Signature]
Sponsor's Initials

1-5-2014
Date

[Signature]
Budget Director's Initials

12/18/14
Date

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Dee Brown, on January 23, 2015 at 3:00 PM, in Room 335 Capitol

ROLL CALL

Members Present:

Sen. Dee Brown, Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Sue Malek (D)
Sen. Lea Whitford (D) (arrived after roll call)

Members Excused:

Sen. Roger Webb, Vice Chair (R)
Sen. Douglas (Doug) Kary (R)

Members Absent: None

Staff Present: Prudence Gildroy, Committee Secretary
Rachel Weiss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SJ 6, 1/13/2015; SB 64, 1/13/2015; SB 74, 1/13/2015; SB 169, 1/19/2015

Executive Action: SJ 6 Do Pass; SB 124 Do Pass; SB 43 Do Pass; SB 69 Tabled; SB 72 Do Pass; SB 86 Tabled; SB 94 Do Pass

HEARING ON SJ 6

Opening Statement by Sponsor:

00:01:11 Sen. Cliff Larsen (D), SD 47, opened the hearing on SJ 6, Resolution to recognize military service of Montanans.

00:02:43 Sen. Whitford joined the meeting.

Proponents' Testimony:

00:05:07 Brigadier General Brian P. Fox, Montana National Guard, Department of Military Affairs (DMA)

00:06:51 Jim Higgins, Montana National Guard Enlisted and Officer Associations

00:08:05 Dave Schulz, Montana Association of Counties (MACo)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:09:35 Sen. Malek

00:10:02 General Fox, DMA

00:10:21 Sen. Malek

00:10:29 General Fox

00:11:33 Chair Brown

Closing by Sponsor:

00:12:13 Sen. Larsen

EXECUTIVE ACTION ON SJ 6

00:13:27 **Motion/Vote:** Sen. Malek moved that **SJ 6 DO PASS**. Motion carried unanimously by voice vote. Sen. Kary and Sen. Webb voted by proxy.

HEARING ON SB 64

Opening Statement by Sponsor:

00:14:11 Sen. Jim Keane (D), SD 38, opened the hearing on SB 64, Revise laws governing Montana heritage commission.

Proponents' Testimony:

00:18:40 Dave Schulz, Madison County commissioner

00:22:41 Chair Brown

00:23:35 Marilyn Ross, chair, Montana Heritage Commission (MHA)

00:24:33 Sen. Debby Barrett, SD 36

00:25:18 Rep. Ray Shaw, HD 71
00:27:05 Sen. Bradley Hamlett, SD 15
00:27:43 James Court, representing himself
00:28:47 Stuart Doggett, Montana Lodging and Hospitality Association (MLHA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:30:06 Sen. Malek
00:31:26 Sen. Keane
00:32:14 Sen. Malek
00:32:30 Sen. Keane
00:32:52 Sen. Hinkle
00:34:08 Ms. Ross, MHA
00:35:34 Sen. Hinkle
00:36:02 Ms. Ross
00:36:15 Sen. Webb joined the meeting.
00:37:30 Sen. Hinkle
00:37:40 Ms. Ross
00:38:21 Chair Brown
00:39:25 Sen. Keane
00:43:16 Chair Brown
00:43:26 Sen. Keane
00:43:32 Chair Brown
00:44:31 Elijah Allen, executive director, MHA
00:47:17 Chair Brown
00:47:37 Sen. Whitford
00:47:56 Sen. Keane
00:48:05 Mr. Allen, MHA
00:48:26 Sen. Whitford
00:48:43 Mr. Allen
00:49:45 Sen. Whitford
00:50:58 Mr. Allen
00:51:16 Sen. Hinkle
00:52:33 Sen. Keane

Closing by Sponsor:

00:53:28 Sen. Keane
00:54:13 Sen. Kary joined the meeting.

HEARING ON SB 74

Opening Statement by Sponsor:

00:56:21 Sen. Mary Sheehy Moe (D), SD 12, opened the hearing on SB 74, Revise
PERS employer contribution laws for the Montana State University System.

MONTANA STATE SENATE
Roll Call
STATE ADMINISTRATION COMMITTEE

DATE: January 23, 2015

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR DEE BROWN, CHAIRMAN	✓	
SENATOR ROGER WEBB, VICE CHAIR		✗
SENATOR ROBYN DRISCOLL	✓	
SENATOR JEDEDIAH HINKLE	✓	
SENATOR DOUG KARY		✗
SENATOR SUE MALEK	✓	
SENATOR LEA WHITFORD		✗

SENATE STATE ADMINISTRATION COMMITTEE

Sponsor: **Sen. Jim Keane**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Dee Brown, on January 28, 2015 at 3:00 PM, in Room 335 Capitol

ROLL CALL

Members Present:

Sen. Dee Brown, Chair (R)
Sen. Roger Webb, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Lea Whitford (D)

Members Excused:

Sen. Sue Malek (D)

Members Absent: None

Staff Present: Prudence Gildroy, Committee Secretary
Rachel Weiss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 64, 1/ /2015; SB 168, 1/22/2015

Executive Action: SB 42 Do Pass As Amended; SB 64 Do Pass; SB 74 Do Pass;
SB 89 Do Pass; SB 130 Be Tabled; SB 144 Do Pass; SB 151 Do Pass

00:16:58 Sen. Buttrey
00:18:00 Sen. Driscoll
00:18:25 Sen. Buttrey

Closing by Sponsor:

00:19:04 Sen. Buttrey

EXECUTIVE ACTION ON SB 42

00:21:17 **Motion:** Sen. Driscoll moved that **SB 42 DO PASS AS AMENDED.**
(*Note: SB 42 was amended in Executive Action on January 19, 2015.*)

Discussion:

00:22:18 Rachel Weiss, Legislative Services Division (LSD)
00:25:17 Chair Brown
00:25:32 Ms. Weiss, LSD
00:27:03 Chair Brown

00:28:18 **Vote:** Motion carried unanimously by voice vote. Sen. Malek voted by proxy.

00:30:01 Recess (Sen. Driscoll left the meeting.)
00:44:05 Reconvene

EXECUTIVE ACTION ON SB 64

00:44:31 **Motion:** Sen. Whitford moved that **SB 64 DO PASS.**

Discussion:

00:44:44 Chair Brown
00:45:28 Rachel Weiss, Legislative Services Division (LSD)
00:45:51 Chair Brown

00:46:38 **Vote:** Motion carried unanimously by voice vote. Sen. Driscoll and Sen. Malek voted by proxy.

EXECUTIVE ACTION ON SB 74

00:47:37 **Motion:** Sen. Webb moved that **SB 74 DO PASS.**

Discussion:

00:47:51 Chair Brown
00:48:22 Sen. Hinkle
00:48:30 Rachel Weiss, Legislative Services Division (LSD)
00:49:46 Chair Brown

MONTANA STATE SENATE
Roll Call
STATE ADMINISTRATION COMMITTEE

DATE: January 28, 2015

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR DEE BROWN, CHAIRMAN	X	
SENATOR ROGER WEBB, VICE CHAIR	X	
SENATOR ROBYN DRISCOLL	X	
SENATOR JEDEDIAH HINKLE	X	
SENATOR DOUG KARY	X	
SENATOR SUE MALEK		X
SENATOR LEA WHITFORD	X	

SENATE PROXY

I, Senator Sue Hallen, hereby authorize Senator Robyn Driscoll to vote my proxy before the Senate

State Administration Committee meeting held on

Jan 28, 2015.

Senator Signature

Date _____

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

SENATE PROXY

I, Senator ROBYN PRISCOLL, hereby authorize Senator LEH WHITFORD to vote my proxy before the Senate

State Administration Committee meeting held on

1-28, 2015.

Robyn Driscoll
Senator Signature

1 - 28 - 15

Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]



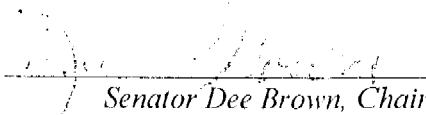
SENATE STANDING COMMITTEE REPORT

January 28, 2015

Page 1 of 1

Madame President:

We, your committee on **State Administration** report that **Senate Bill 64** (first reading copy -- white) **do pass**.

Signed: 
Senator Dee Brown, Chair

- END -

Committee Vote:

Yes 7, No 0

Fiscal Note Required X

SB0064001SC.spt

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Jeff Essmann, on February 10, 2015 at 8:00 AM, in Room 455 Capitol

ROLL CALL

Members Present:

Rep. Jeff Essmann, Chair (R)
Rep. Bill Harris, Vice Chair (R)
Rep. Casey Schreiner, Vice Chair (D)
Rep. Bryce Bennett (D)
Rep. Bob Brown (R)
Rep. Moffie Funk (D)
Rep. Frank Garner (R)
Rep. Edward Greef (R)
Rep. Denise Hayman (D)
Rep. Jessica Karjala (D)
Rep. Debra Lamm (R)
Rep. Forrest Mandeville (R)
Rep. Wendy McKamey (R)
Rep. Dale Mortensen (R)
Rep. Jean Price (D)
Rep. Ray L. Shaw (R)
Rep. Kathy Swanson (D)
Rep. Susan Webber (D)

Members Excused:

Rep. Austin Knudsen (R)
Rep. Art Wittich (R)

Members Absent: None

Staff Present: Jennifer Petersen, Committee Secretary
Sheri Scurr, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 392, 2/5/2015; SB 45, 2/5/2015; SB 64, 2/5/2015

HOUSE COMMITTEE ON STATE ADMINISTRATION

February 10, 2015

PAGE 2 of 6

00:00:01 Chair Essmann

HEARING ON SB 64

Opening Statement by Sponsor:

00:01:27 Sen. Jim Keane (D), SD 38, opened the hearing on SB 64, Revise laws governing Montana heritage commission.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

00:04:23 Elijah Allen, Executive Director, Montana Heritage Commission (MHC)

00:06:58 Chair Essmann

Questions from Committee Members and Responses:

00:07:16 Rep. Funk

00:07:55 Elijah Allen, MHC

00:08:19 Chair Essmann

00:08:23 Rep. McKamey

00:08:35 Elijah Allen, MHC

00:09:04 Rep. McKamey

00:09:16 Elijah Allen, MHC

00:09:48 Rep. Webber

00:10:12 Elijah Allen, MHC

00:10:26 Chair Essmann

00:11:03 Sen. Keane

00:12:21 Chair Essmann

Closing by Sponsor:

00:12:27 Sen. Keane

00:13:04 Chair Essmann

HEARING ON HB 392

Opening Statement by Sponsor:

00:13:40 Rep. Frank Garner (R), HD 7, opened the hearing on HB 392, Establish reemployment provisions for MPORS members.

00:16:04 Chair Essmann

Proponents' Testimony:

00:16:14 Randy Robinson, self

00:16:22 *Rep. Wittich arrives*

00:23:36 Chair Essmann

00:23:47 Jerry Williams, Executive Director, Montana Police Protective Association (MPPA)

00:24:31 Chair Essmann



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE: Tues. Feb. 10, 2015

NAME	PRESENT	ABSENT/EXCUSED
REP. BILL HARRIS, VICE CHAIRMAN	✓	
REP. CASEY SCHREINER, VICE CHAIRMAN	✓	
REP. BRYCE BENNETT	✓	
REP. BOB BROWN	✓	
REP. MOFFIE FUNK	✓	
REP. FRANK GARNER	✓	
REP. EDWARD GREEF	✓	
REP. DENISE HAYMAN	✓	
REP. JESSICA KARJALA	✓	
REP. AUSTIN KNUDSEN		✓ - exc.
REP. DEBRA LAMM	✓	
REP. FORREST MANDEVILLE	✓	
REP. WENDY MCKAMEY	✓	
REP. DALE MORTENSEN	✓	
REP. JEAN PRICE	✓	
REP. RAY SHAW	✓	
REP. KATHY SWANSON	✓	
REP. SUSAN WEBBER	✓	
REP. ART WITTICH		✓ - exc.
REP. JEFF ESSMANN, CHAIRMAN	✓	

20 MEMBERS

**MONTANA House of Representatives
Visitors Register
HOUSE STATE ADMINISTRATION COMMITTEE**

Tuesday, February 10, 2015

SB 64 - Revise laws governing Montana heritage commission

Sponsor: Sen. Jim Keane

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Jeff Essmann, on February 13, 2015 at 8:00 AM, in Room 455
Capitol

ROLL CALL

Members Present:

Rep. Jeff Essmann, Chair (R)
Rep. Bill Harris, Vice Chair (R)
Rep. Casey Schreiner, Vice Chair (D)
Rep. Bryce Bennett (D)
Rep. Bob Brown (R)
Rep. Moffie Funk (D)
Rep. Frank Garner (R)
Rep. Edward Greef (R)
Rep. Denise Hayman (D)
Rep. Jessica Karjala (D)
Rep. Debra Lamm (R)
Rep. Forrest Mandeville (R)
Rep. Wendy McKamey (R)
Rep. Dale Mortensen (R)
Rep. Jean Price (D)
Rep. Ray L. Shaw (R)
Rep. Kathy Swanson (D)
Rep. Susan Webber (D)
Rep. Art Wittich (R)

Members Excused:

Rep. Austin Knudsen (R)

Members Absent: None

Staff Present: Jennifer Petersen, Committee Secretary
Sheri Scurr, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 335, 2/9/2015; HB 406, 2/9/2015; HB 409, 2/9/2015

02:38:59 Chair Essmann

EXECUTIVE ACTION ON SB 63

02:39:39 Sheri Scurr, LSD

02:40:12 **Motion:** Rep. Harris moved that **SB 63 BE CONCURRED IN.**

02:40:31 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy. Rep. McKamey will carry the bill.

EXECUTIVE ACTION ON SB 64

02:41:46 Sheri Scurr, LSD

02:42:28 **Motion:** Rep. Harris moved that **SB 64 BE CONCURRED IN.**

Discussion:

02:42:52 Chair Essmann

02:43:01 Rep. McKamey

02:44:54 Rep. Shaw

02:47:33 Chair Essmann

02:48:05 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy. Rep. Shaw will carry the bill.

EXECUTIVE ACTION ON SB 72

02:48:52 Sheri Scurr, LSD

02:49:16 **Motion:** Rep. Harris moved that **SB 72 BE CONCURRED IN.**

Discussion:

02:49:32 Rep. Wittich

02:50:39 Rep. B. Brown

02:51:17 Rep. B. Bennett

02:52:32 Rep. Schreiner

02:53:15 Rep. McKamey

02:53:44 Rep. Harris

02:54:24 Chair Essmann

02:55:05 **Vote:** Motion carried 17-3 by roll call vote with Rep. Bennett, Rep. Hayman and Rep. Price voting no. Rep. Knudsen voted by proxy. Rep. Brown will carry the bill.

02:57:21 Chair Essmann



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE: Friday Feb. 13, 2015

NAME	PRESENT	ABSENT/EXCUSED
REP. BILL HARRIS, VICE CHAIRMAN	✓	
REP. CASEY SCHREINER, VICE CHAIRMAN	✓	
REP. BRYCE BENNETT	✓	
REP. BOB BROWN	✓	
REP. MOFFIE FUNK	✓	
REP. FRANK GARNER	✓	
REP. EDWARD GREEF	✓	
REP. DENISE HAYMAN	✓	
REP. JESSICA KARJALA	✓	
REP. AUSTIN KNUDSEN		✓ - exc.
REP. DEBRA LAMM	✓	
REP. FORREST MANDEVILLE	✓	
REP. WENDY MCKAMEY	✓	
REP. DALE MORTENSEN	✓	
REP. JEAN PRICE	✓	
REP. RAY SHAW	✓	
REP. KATHY SWANSON	✓	
REP. SUSAN WEBBER	✓	
REP. ART WITTICH	✓	
REP. JEFF ESSMANN, CHAIRMAN	✓	

20 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

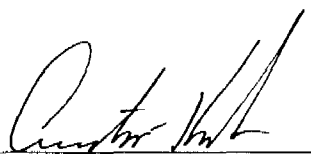
I request to be excused from the House State Admin

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Harris

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 236		✓			
HB 392	✓				
HB 410	✓				
HB 453		✓			
amendment 000301		✓			
SB 63	✓				
SB 64	✓				
SB 72	✓				
HB 236- to table	✓				
HJ 3 - to table	✓				

Rep. 
(Signature)

Knudsen

Date 1/15/15



HOUSE STANDING COMMITTEE REPORT

February 13, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **Senate Bill 64** (third reading copy -- blue) **be concurred in.**

Signed: _____

Representative Jeff Essmann, Chair

To be carried by Representative Ray Shaw

- END -

Committee Vote:

Yes 20, No 0

Fiscal Note Required X

SB0064001SC15144.hbb

AL
2/13/15
15



AN ACT REVISING LAWS GOVERNING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; REMOVING CERTAIN REFERENCES TO THE COMMISSION ACQUIRING AND PURCHASING PROPERTY; REMOVING THE REQUIREMENT THAT PROPERTIES BECOME SELF-SUPPORTING; REVISING HOW COMMISSION MEMBERS MAY BE APPOINTED; REMOVING THE REQUIREMENT THAT CERTAIN FUNDS BE DEPOSITED IN THE CULTURAL AND AESTHETIC TRUST; REMOVING LANGUAGE EXPRESSING THE INTENT OF A PREVIOUS LEGISLATURE THAT NO GENERAL FUND MONEY BE USED TO FUND OPERATIONS; REMOVING THE REQUIREMENT THAT CERTAIN SALE PROCEEDS BE PLACED IN A TRUST FUND; AND AMENDING SECTIONS 22-3-1001, 22-3-1002, 22-3-1003, AND 22-3-1004, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 22-3-1001, MCA, is amended to read:

"22-3-1001. Purpose. The purpose of this part is to ~~acquire and~~ manage, on behalf of the state, properties that possess outstanding historical value, display exceptional qualities worth preserving, and are genuinely representative of the state's culture and history, ~~and demonstrate the ability to become economically self-supporting~~. The Montana heritage preservation and development commission shall achieve this purpose by ~~purchasing fee title interests in real and personal property and by managing those~~ the properties for which it is responsible in a manner that protects the properties and encourages economic ~~independence~~ stability."

Section 2. Section 22-3-1002, MCA, is amended to read:

"22-3-1002. Montana heritage preservation and development commission. (1) There is a Montana heritage preservation and development commission. The commission is attached to the department of commerce for administrative purposes only, pursuant to 2-15-121. The commission and the department shall negotiate a specific indirect administrative rate annually, with biennial review by a designated, appropriate legislative interim committee.

(2) (a) The commission consists of 14 members. The members shall broadly represent the state. Nine

members must be appointed by the governor, one member must be appointed by the president of the senate, and one member must be appointed by the speaker of the house.

(b) If the president of the senate and the speaker of the house do not appoint the members for which they are responsible within 6 months of a vacancy having occurred in those positions, the members must be appointed by the governor.

(c) The director of the Montana historical society, the director of the department of fish, wildlife, and parks, and the director of the department of commerce shall serve as members. Of the members appointed by the governor under subsection (2)(a):

(a)(i) one member must have extensive experience in managing facilities that cater to the needs of tourists;

(b)(ii) one member must have experience in community planning;

(c)(iii) one member must have experience in historic preservation;

(d)(iv) two members must have broad experience in business;

(e)(v) one member must be a member of the tourism advisory council established in 2-15-1816;

(f)(vi) one member must be a Montana historian; and

(g)(vii) two members must be from the public at large.

(3) Except for the initial appointments, members appointed by the governor under subsection (2)(a) shall serve 3-year terms. ~~Legislative appointees~~ Members appointed by the president of the senate and the speaker of the house or by the governor under subsection (2)(b) shall serve 2-year terms. If a vacancy occurs, the appointing authority shall make an appointment for the unexpired portion of the term.

(4) (a) The commission may employ:

(i) an executive director who has general responsibility for the selection and management of commission staff, developing recommendations for the purchase of property, and overseeing the management of acquired property;

(ii) a curator who is responsible for the display and preservation of the acquired property; and

(iii) other staff that the commission and the executive director determine are necessary to manage and operate commission properties.

(b) The commission shall prescribe the duties and annual salary of the executive director, the curator, and other commission staff."

Section 3. Section 22-3-1003, MCA, is amended to read:

"22-3-1003. Powers of commission -- contracts -- rules. (1) (a) The Montana heritage preservation and development commission may contract with private organizations to assist in carrying out the purpose of 22-3-1001. The term of a contract may not exceed 20 years.

(b) The provisions of Title 18 may not be construed as prohibiting contracts under this section from being let by direct negotiation. The contracts may be entered into directly with a vendor and are not subject to state procurement laws.

(c) Architectural and engineering review and approval do not apply to the historic renovation projects or projects at historic sites unless stated in specific state appropriations for construction permitted under the commission's jurisdiction.

(d) The contracts must provide for the payment of prevailing wages.

(e) A contract for supplies or services, or both, may be negotiated in accordance with commission rules.

(f) Management activities must be undertaken to encourage the ~~profitable~~ operation of properties in a manner that results in economic stability.

(g) Contracts may include the lease of property managed by the commission. Provisions for the renewal of a contract must be contained in the contract.

(2) (a) Except as provided in subsection (2)(b), the commission may not contract for the construction of a building, as defined in 18-2-101, in excess of \$300,000 without the consent of the legislature. Building construction must be in conformity with applicable guidelines developed by the national park service of the U.S. department of the interior, the Montana historical society, and the Montana department of fish, wildlife, and parks. Funding for these projects must pass through directly to the commission.

(b) The commission may contract for the preservation, stabilization, or maintenance of existing structures or buildings for an amount that exceeds \$300,000 without legislative consent if the commission determines that waiting for legislative consent would cause unnecessary damage to the structures or buildings or would result in a significant increase in cost to conduct those activities in the future.

(3) (a) Subject to subsection (3)(b), the commission, as part of a contract, shall require that a portion of any profit be reinvested in the property and that a portion be used to pay the administrative costs of the property and the commission.

(b) ~~(i) Until the balance in the cultural and aesthetic trust reaches \$7,750,000, the commission shall deposit the portion of profits not used for administrative costs and restoration of the properties in the cultural and aesthetic trust.~~

~~_____ (ii) Once the balance in the cultural and aesthetic trust reaches \$7,750,000, the~~ The commission shall deposit the portion of profits not used for administrative costs and restoration of the properties in the general fund.

~~(c) It is the intent of the 58th legislature that no general fund money be provided for the operations and maintenance of Virginia City and Nevada City beyond what has been appropriated by the 55th legislature.~~

(4) The commission may solicit funds from other sources, including the federal government, for the purchase, management, and operation of properties.

(5) (a) The commission may use volunteers to further the purposes of this part.

(b) The commission and volunteers stand in the relationship of employer and employee for purposes of and as those terms are defined in Title 39, chapter 71. The commission shall provide each volunteer with workers' compensation coverage, as provided in Title 39, chapter 71, during the course of the volunteer's assistance.

(6) Volunteers are not salaried employees and are not entitled to wages and benefits. The commission may, in its discretion, reimburse volunteers for their otherwise uncompensated out-of-pocket expenses, including but not limited to their expenditures for transportation, food, and lodging.

(7) The commission shall establish a subcommittee composed of an equal number of members of the Montana historical society board of trustees and commission members to review and recommend the sale of personal property from the former Bovey assets acquired by the 55th legislature. A recommendation to sell may be presented to the commission only if the recommendation is supported by a majority of the members of the subcommittee.

(8) The commission shall adopt rules establishing a policy for making acquisitions and sales of real and personal property. With respect to each acquisition or sale, the policy must give consideration to:

- (a) whether the property represents the state's culture and history;
- (b) whether the property can become ~~self-supporting~~ economically stable;
- (c) whether the property can contribute to the economic and social enrichment of the state;
- (d) whether the property lends itself to programs to interpret Montana history;
- (e) whether the acquisition or sale will create significant social and economic impacts to affected local

governments and the state;

(f) whether the sale is supported by the director of the Montana historical society;

(g) whether the commission should include any preservation covenants in a proposed sale agreement for real property;

(h) whether the commission should incorporate any design review ordinances established by Virginia City into a proposed sale agreement for real property; and

(i) other matters that the commission considers necessary or appropriate.

(9) Except as provided in subsection (11), the proceeds of any sale under subsection (8) must be placed in the account established in 22-3-1004.

(10) Public notice and the opportunity for a hearing must be given in the geographical area of a proposed acquisition or sale of real property before a final decision to acquire or sell the property is made. The commission shall approve proposals for acquisition or sale of real property and recommend the approved proposal to the board of land commissioners.

(11) The commission, working with the board of investments, may establish trust funds to benefit historic properties. Interest from any trust fund established under this subsection must be used to preserve and manage assets owned by the commission. ~~Funds from the sale of personal property from the Dovey assets must be placed in a trust fund, and interest from the trust fund must be used to manage and protect the remaining personal property.~~

(12) Prior to the convening of each regular session, the commission shall report to the governor and the legislature, as provided in 5-11-210, concerning financial activities during the prior biennium, including the acquisition or sale of any assets."

Section 4. Section 22-3-1004, MCA, is amended to read:

"22-3-1004. Montana heritage preservation and development account. (1) (a) There is a Montana heritage preservation and development account in the state special revenue fund and in the federal special revenue fund.

(b) The Montana heritage preservation and development commission shall deposit any federal money that the commission obtains into the appropriate account provided for in this section.

(2) Money deposited in the accounts must be used for:

~~(a) the purchase of properties in Virginia City and Nevada City;~~
——— ~~(b)(a)~~ restoration, maintenance, and operation of historic properties in Virginia City and Nevada City; and
~~(c)(b) purchasing,~~ restoring, and maintaining historically significant properties in Montana that are in need of preservation.

(3) The accounts are statutorily appropriated, as provided in 17-7-502, to the commission to be used as provided in this section.

(4) Unless otherwise prohibited by law or agreement, all interest earned on money in the accounts must be deposited in the state special revenue fund to the credit of the commission."

- END -